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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND**  
**INTERFERENCES**

**Inventor(s):** Jeffrey Clifford Mogul et al.

**Attorney Docket No. :** 200302011-1

**Confirmation No:** 8549

**Application No:** 10/033,404

**Examiner:** Brian J. Gillis

**Filing Date:** December 27, 2001

**Group Art Unit:** 2141

**Title:** SYSTEM AND METHOD FOR ENERGY EFFICIENT DATA PREFETCHING

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

**Mail Stop Appeal Brief – Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir/Madam:

This Reply Brief is responsive to the Examiner's Answer mailed November 1, 2006 for the above-identified application.

**Response To Examiner's Arguments Regarding Claims 35-36**

On page 16 of the Examiner's Answer, the Examiner noted that the Final Action mailed April 26, 2006 contained a typographical error and that he intended for claims 35 and 36 to be rejected over Malkin et al in view of Shatil et al as applied to claim 32 and further in view of Shinozaki rather than the stated rejection of Malkin in view of Shinozaki..

For clarity, Applicants' arguments with respect to claim 32 from which claims 35 and 36 depend (see p. 11 of Applicants' Appeal Brief) as well as the discussion of Shatil throughout the Appeal Brief are also applicable for establishing that claims 35 and 36 are patentable over the intended rejection based on the three references.

## CONCLUSION

It is respectfully requested that the Board reverse the final rejections of claims 1-39.

Respectfully submitted,

Jeffrey Clifford Mogul et al.

*Eileen Lehmann Jan. 3, 2007*

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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 3, 2007.

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